

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO DIVISION**

UNITED STATES OF AMERICA, ex rel.,)		
and FLFMC, LLC,)		
)	
Plaintiffs,)		Case No. 3:10-cv-01678-JGC
)	
v.)		Judge James G. Carr
)	
OHIO ART COMPANY,)		
)	
Defendant.)		

**JOINT STATUS REPORT AND JOINT/AGREED MOTION FOR
ADDITIONAL LIMITED STAY OF PROCEEDINGS**

Plaintiffs United States of America, *ex rel.* and FLFMC, LLC (“FLFMC”) and Defendant The Ohio Art Company (“Ohio Art”) (collectively “Parties”), by counsel, submit this Status Report and respectfully move the Court stay the proceedings for an additional thirty (30) days. In support of this Joint Status Report and Agreed Motion, the Parties state as follows:

1. On December 9, 2010, the Court granted the Parties' Joint and Agreed Motion to Stay this matter and ordered that the Parties file a status report with the Court by January 14, 2011. (Dkt. #39).

2. The Parties are filing this Status Report pursuant to the Court's order. The Parties hereby inform the Court that the Parties have had several communications regarding the possible informal resolution of this matter and these communications are ongoing. Due to the intervening holidays and a travel schedule of client representatives, however, the Parties do not believe that they have had sufficient time to fully explore a possible resolution. As such, the Parties reasonably believe a limited stay of an additional thirty (30) days is appropriate to allow the

Parties time to further explore the informal resolution of this matter without the Court's intervention. Although the Parties previously anticipated not seeking additional stays (Dkt. #38), the Parties believe a limited 30-day stay will allow the Parties to continue their ongoing discussions. Given these ongoing discussions, the Parties are not in a position at this time to advise the Court that the case should proceed, which will consume judicial resources.

3. At the conclusion of the requested limited stay, the Parties will file a notice with the Court to inform the Court whether this matter has been informally resolved or whether the case should proceed. If the Parties believe that the case should proceed following an additional limited stay, the Parties will request a status/case management conference so that any additional preliminary legal challenges (e.g., Rule 9(b) motions to dismiss) can be addressed. If the Parties are able to informally resolve this matter in the next thirty (30) days, materials to address the conclusion/dismissal of the case will also be filed.

WHEREFORE, the Parties hereby submit this Status Report to the Court in accordance with the Court's December 9, 2010 Order and respectfully request that the Court grant the Parties' motion and stay these proceedings for an additional thirty (30) days from the date of the Court's forthcoming order. Contemporaneously with filing this Motion, the Parties have tendered to the Court a proposed form of Order.

s/ David G. Oberdick

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